

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-09-0094-D
)	
)	Disciplinary Commission
)	No. 07-0992
SCOTT K. RISLEY,)	
Bar No. 015268)	FILED 10/28/2009
)	
RESPONDENT.)	JUDGMENT AND ORDER
)	

This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and no petition for review having been filed,

IT IS ORDERED granting *sua sponte* review to modify the terms of probation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **SCOTT K. RISLEY** a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of thirty days effective thirty days from the date of this Judgment and Order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that, upon reinstatement, if **SCOTT K. RISLEY** returns to the active practice of law and/or represents a client in a legal matter, he shall be placed on probation for two years under the following terms and conditions:

1. Respondent shall contact the Director of LOMAP at (602) 340-7313 within ten days of returning to the active practice of law and/or agreeing to represent a client in a legal matter. The active practice of law shall include the opening of a law office, holding himself out as a practicing lawyer, and/or advertising, soliciting or consulting with prospective clients, agreeing formally or informally to represent any person in any legal action, and/or any act defined as the practice of law by the Rules of the Supreme Court. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 1.3, 3.1, 3.2, 3.4(c), 8.4(d) and Rule 53. The Director of LOMAP shall develop "Terms and Conditions of Probation." and those terms shall be incorporated herein by reference. The Respondent shall be responsible for any costs associated with LOMAP.
2. Respondent shall, within five days of returning to the active practice of law as referenced above, notify the State Bar's Lawyer Regulation Department that he has done so.
3. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.

4. In the event that Respondent fails to comply with any of the foregoing probation terms, and the State Bar receives information thereof, Bar Counsel shall file a Notice of Non-Compliance with the imposing entity pursuant to Rule (60)(a)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a Hearing Officer to conduct a hearing at the earliest practicable date, but in no event later than thirty days following receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that **SCOTT K. RISLEY** shall pay restitution within thirty days of this Judgment and Order in the amount of \$2,500.00 to International Business Mercantile Reassurance Co.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **SCOTT K. RISLEY** for costs and expenses of these proceedings in the amount of \$600.00, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:

Scott K. Risley, Respondent (Certified Mail, Return Receipt and Regular Mail)

Jason B. Easterday, Bar Counsel

Thomas M. Quigley, Hearing Officer 8W

Leticia V. D'Amore, Disciplinary Clerk

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona

Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit

Attn: Don Lewis

Richard Weare, Clerk, United States District Court, District of Arizona

Attn: Beth Stephenson

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